

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NICK GIOULES,

Plaintiff,

-V-

ANTIGUA PHARMACY LLC and
BRENDALIS ANTIGUA,

Defendants.

21 Civ. 6400 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

The Court is in receipt of Plaintiff's letter, dated November 29, 2021, stating that he intends to file an Order to Show Cause of Default Judgment against Defendants. Dkt. 20. Plaintiff shall file a motion for default judgment in accordance with Local Civil Rule 55.2 and 3.D of the Court's Individual Rules and Practices for Civil Cases. Plaintiff shall file his motion for default judgment by January 12, 2022. Pursuant to this Court's Individual Rules, Plaintiff must serve the motion for default judgment and supporting paperwork on the party against whom default judgment is sought and file an Affidavit of Service on ECF within two business days of filing the motion for default judgment. Defendants shall file any opposition to the motion for default judgment no later than February 2, 2022. Plaintiff shall file any reply no later than February 16, 2022.


Defendant Antigua Pharmacy LLC is advised that as a limited liability company, it cannot proceed *pro se* and its failure to obtain counsel constitutes a failure to “otherwise defend” under Rule 55(a) of the Federal Rules of Civil Procedure. *See, e.g., City of N.Y. v. Mickalis Pawn Shop, LLC*, 645 F.3d 114, 129-32 (2d Cir. 2011); *Eagle Assocs. v. Bank of Montreal*, 926 F.2d 1305, 1310 (2d Cir. 1991); *McFarlane v. Harry’s Nurses Registry*, No. 17 Civ. 6350 (PKC), 2020 WL 1643781, at *15 (E.D.N.Y. Apr. 2, 2020).

It is further ORDERED that Defendants appear and show cause at a hearing before this Court on March 8, 2022, at 10:00 a.m., why an order should not be issued granting a default judgment against Defendants. That hearing shall take place telephonically. At the scheduled time, counsel for all parties should call (866) 434-5269, access code 9176261. In the event that Defendants do not appear, Plaintiff's counsel should be prepared to discuss any communications with Defendants or representatives for Defendants regarding this litigation and any intent to challenge the suit, including discussions about the alleged illegal conduct prior to the filing of the lawsuit; how Defendants were served with this Order and documents filed by Plaintiff in this case; why Plaintiff's counsel is confident that Defendants have been served with those documents and have notice of the hearing; and the method for calculating damages. In the event that Defendants oppose the motion for default judgment prior to the scheduled court appearance on March 8, 2022, that court appearance shall also serve as a case management conference.

It is further ORDERED that Plaintiff serve Defendants via overnight courier with a copy of this Order within one week of the date of this Order. Within two business days of service, Plaintiff must file proof of such service on the docket.

SO ORDERED.

Dated: November 29, 2021
New York, New York



JOHN P. CRONAN
United States District Judge